



PATENT  
ATTORNEY DOCKET NO. 063373-5014

**/IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**18 Patent Application of:**

**Inventors:** David OGLE et al.

Application No.: 09/837,678

Filed: April 18, 2001

For: **SMALL SEPARATION APPARATUS**

Group Art Unit: 1753

Examiner: Noguerola, A.

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

# AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Response To Notice Regarding Drawings dated October 5, 2005 in the above-referenced application.

## 2. Additional Documents

### Corrected Drawings (Figs. 1-12)

### 3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.



Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>         | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---------------------------------------|--------------------------|-------------------------------|
| <input type="checkbox"/> one month    | \$ 120.00                | \$ 60.00                      |
| <input type="checkbox"/> two months   | \$ 450.00                | \$ 225.00                     |
| <input type="checkbox"/> three months | \$ 1,020.00              | \$ 510.00                     |
| <input type="checkbox"/> four months  | \$ 1,590.00              | \$ 795.00                     |

Extension of time fee due with this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

### 3. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

4. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |               |              |
|---|---|-------|--------------------------------|------------------|---------------|--------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of    | Total Fees   |
| Total Claims<br>(37 C.F.R. §1.16(c))                  |   | minus | 20                             |                  | x \$50 each=  | + \$0        |
| Independent Claims<br>(37 C.F.R. §1.16(b))            |   | minus | 3                              |                  | x \$200 each= | + \$0        |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$360.00      | + \$0        |
| <b>SUB-TOTAL =</b>                                    |   |       |                                |                  |               | <b>\$0</b>   |
| <b>Reduction by 2 for filing by a small entity</b>    |   |       |                                |                  |               | <b>- \$0</b> |
| <b>TOTAL FEE =</b>                                    |   |       |                                |                  |               | <b>\$0</b>   |

5. Fee Payment

[ ] The Commissioner is hereby authorized to charge \$\_\_\_\_\_ to Deposit Account 50-0310.


[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: October 26, 2005

By:

  
Mark J. Sullivan (Reg. No. 54,478)  
for Erich E. Veitenheimer (Reg. No. 40,420)

CUSTOMER NO. **09629**  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004  
202-739-3000



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |  |   |                        |
|--|--|---|------------------------|
| APPLICATION NUMBER<br><b>09/837678</b> | FILING/RECEIPT DATE<br><b>04/18/2001</b> | FIRST NAMES APPLICANT<br><b>OGLE, DAVID</b> | ATTORNEY DOCKET NUMBER |
|--|--|---|------------------------|

Examiner  
**NOGUEROLA, ALEX**

**MORGAN LEWIS & BOCKIUS LLP**  
**1111 PENNSYLVANIA AVENUE NW**  
**WASHINGTON DC 20004**

Art Unit

Paper Number

1753

**Date Mailed:10/5/2005**

## Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on **4-18-01** are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b).** Failure to take corrective action within the set period will result in abandonment of the application.

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

### RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

*Joshua D. Chase*

**Joshua D. Chase**  
**Office of Patent Publication,**  
**Publishing Division**  
**703-305-0333 ext-138**

**RECEIVED**

**OCT 10 2005**

**MORGAN, LEWIS & BOCKIUS LLP**

Docketed 10/14/05 Attorney ECV/mas  
Case 63373-5014  
Due Date December 5, 2005  
Action Corrected Drawings Due  
By GD On BR

**NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW**The drawing(s) filed (insert date) 1-18-01 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.  
 B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

**1. DRAWINGS.** 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) \_\_\_\_\_

☐ Pencil and non black ink not permitted. Fig(s) \_\_\_\_\_

**2. PHOTOGRAPHS.** 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) \_\_\_\_\_

☐ Photographs may not be mounted. 37 CFR 1.84(e)

☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) \_\_\_\_\_

☐ Poor quality (half-tone). Fig(s) \_\_\_\_\_

**3. TYPE OF PAPER.** 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable.

Fig(s) \_\_\_\_\_

☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.

Fig(s) \_\_\_\_\_

**4. SIZE OF PAPER.** 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or

21.6 cm by 27.9 cm (8 1/2 x 11 inches)

☐ All drawing sheets not the same size.

Sheet(s) \_\_\_\_\_

☐ Drawings sheets not an acceptable size. Fig(s) \_\_\_\_\_

**5. MARGINS.** 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm

☐ Margins not acceptable. Fig(s) \_\_\_\_\_

Top (T) \_\_\_\_\_ Left (L) \_\_\_\_\_

Right (R) \_\_\_\_\_ Bottom (B) \_\_\_\_\_

**6. VIEWS.** 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig. 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly.

Fig(s) \_\_\_\_\_

**7. SECTIONAL VIEWS.** 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with

Arabic or Roman numbers. Fig(s) \_\_\_\_\_

**8. ARRANGEMENT OF VIEWS.** 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) \_\_\_\_\_

**9. SCALE.** 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.

Fig(s) \_\_\_\_\_

**10. CHARACTER OF LINES, NUMBERS, & LETTERS.** 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 1-12

**11. SHADING.** 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) \_\_\_\_\_

☐ Solid black shading not permitted. Fig(s) \_\_\_\_\_

**12. NUMBERS, LETTERS, & REFERENCE CHARACTERS.** 37 CFR 1.84(p)

☒ Numbers and reference characters not plain and legible. Fig(s) 1-12

☒ Figure legends are poor. Fig(s) 1-12

☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) \_\_\_\_\_

☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) \_\_\_\_\_

☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) \_\_\_\_\_

**13. LEAD LINES.** 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) \_\_\_\_\_

**14. NUMBERING OF SHEETS OF DRAWINGS.**

37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) \_\_\_\_\_

**15. NUMBERING OF VIEWS.** 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) \_\_\_\_\_

**16. DESIGN DRAWINGS.** 37 CFR 1.152

☐ Surface shading shown not appropriate.

Fig(s) \_\_\_\_\_

☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) \_\_\_\_\_

**COMMENTS:**

Reviewer J. CHASE

If you have questions, call (703) 305-8404.

Date 10-5-05

Attachment to Paper No. \_\_\_\_\_

**BEST AVAILABLE COPY**